

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1551

IN THE MATTER OF:

Order Directing D. C. TRANSIT SYSTEM, )  
INC., to Comply with Regulation Nos. )  
55-08 and 65-03 )  
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Investigation to Determine the Nature )  
of Joint Operations, if Any, between )  
D. C. TRANSIT SYSTEM, INC., and WASH- )  
INGTON, VIRGINIA AND MARYLAND COACH )  
COMPANY, INC., and Order Directing )  
Compliance )  
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Application of D. C. TRANSIT SYSTEM, )  
INC., to Revoke Certificate of Public )  
Convenience and Necessity No. 5-A )  
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Application of WASHINGTON, VIRGINIA )  
AND MARYLAND COACH COMPANY, INC., to )  
Revoke Certificate of Public Conve- )  
nience and Necessity No. 4-A )

Served May 4, 1976

Docket No. 294

Docket No. 320

Application No. 938

Application No. 939

Consolidated Docket No. 326

By Order No. 1535, served April 12, 1976, the Commission granted the joint motion to reschedule hearings in Docket Nos. 294 and 320 so that they are held consecutively and at a later date. The motion was filed by D. C. Transit System, Inc. (D. C. Transit) 1/ and Washington, Virginia, and Maryland Coach Company, Inc. (WV&M). 2/ The Commission then postponed the public hearings scheduled for April 16, 1976, and April 19, 1976, until May 4, 1976.

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- 1/ The scheduled hearing for D. C. Transit is to determine whether it has complied with the Commission's directive set forth in Order No. 1507, served February 27, 1976. That order directed D. C. Transit to cease and desist from commingling its passengers with the passengers of other carriers without approval and to cease and desist from rendering any transportation services within the Metropolitan District other than the individually ticketed sightseeing service specified in its current Certificate of Public Convenience and Necessity No. 5-A.
- 2/ The scheduled hearing for WV&M is to develop a record concerning a purported operating agreement between D. C. Transit and WV&M, the extent of operations, if any, pursuant to that agreement, and whether a basis exists for a suspension, change, or revocation, in whole or in part, of either Certificate of Public Convenience and Necessity No. 4-A of WV&M or Certificate of Public Convenience and Necessity No. 5-A of D. C. Transit.

On May 3, 1976, D. C. Transit filed Application No. 938 seeking revocation of its Certificate of Public Convenience and Necessity No. 5-A. That certificate authorizes D. C. Transit to transport passengers and their baggage, over irregular routes, in special operations limited to individually ticketed sightseeing service, (A) from points in the District of Columbia to points in the Metropolitan District and (B) from points in Montgomery County, Maryland, and that portion of Prince George's County, Maryland, north of the John Hanson Highway to points in the Metropolitan District. D. C. Transit's basis for this request is stated to be a substantial loss of money from operations rendered pursuant to this certificate.

On May 3, 1976, WV&M filed Application No. 939 seeking revocation of its Certificate of Public Convenience and Necessity No. 4-A. That certificate authorizes WV&M to transport passengers and their baggage, in special operations limited to individually ticketed sightseeing service, between points in Virginia, except the Dulles International Airport, on the holder's former regular routes described in the appendix to that certificate, on the one hand, and points in the District of Columbia, on the other. WV&M's basis for this request is its failure to render any services pursuant to this certificate.

On May 3, 1976, D. C. Transit and WV&M filed a joint motion to postpone and consolidate. That motion requests the Commission to postpone the public hearings scheduled by Order No. 1535 for May 4, 1976, and to consolidate the public hearings with any public hearings to be scheduled concerning Application Nos. 938 and 939. The movants submit that the postponement and consolidation will save manpower, time and money. The movants also submit that the revocation proceedings would render moot the proceedings in Docket Nos. 294 and 320.

Pursuant to the provisions of Rule of Practice 7-06, the hearings scheduled by Order No. 1535 shall be postponed. Pursuant to the provisions of Rule of Practice 20-02, Application No. 938 and 939 filed by D. C. Transit and WV&M, respectively, shall be consolidated for public hearing. The applications involve common questions of law and fact. The Commission shall schedule each proceeding for public hearing at the same time and place for the purpose of efficient and economical administration of these several matters pertaining to related carriers.

The Commission shall require D. C. Transit to submit and be prepared to support with a competent witness an income statement for the year ended April 30, 1976, a balance sheet as of April 30, 1976, and an equipment list as of April 30, 1976.

THEREFORE, IT IS ORDERED:

1. That the motion to postpone the public hearings scheduled by Order No. 1535, served April 12, 1976, jointly filed by D. C. Transit System, Inc., and Washington, Virginia, and Maryland Coach Company, Inc., be, and it is hereby, granted.

2. That the public hearings scheduled to commence May 4, 1976, by Order No. 1535, served April 12, 1976, be, and they are hereby, postponed until June 1, 1976, at 9:30 A. M., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

3. That Application Nos. 938 and 939 of D. C. Transit System, Inc., and Washington, Virginia, and Maryland Coach Company, Inc., respectively, be, and they are hereby, consolidated for the purpose of public hearing.

4. That the motion to consolidate the public hearings concerning Docket Nos. 294 and 320 with the public hearing concerning Application Nos. 938 and 939 jointly filed by D. C. Transit System, Inc., and Washington, Virginia, and Maryland Coach Company, Inc., be, and it is hereby, granted.

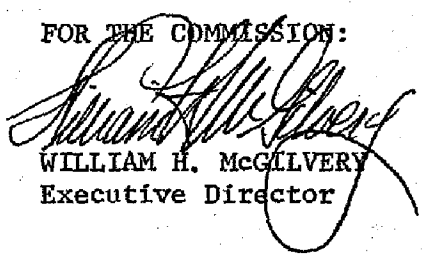
5. That Application Nos. 938 and 939 of D. C. Transit System, Inc., and Washington, Virginia, and Maryland Coach Company, Inc., respectively, be, and they are hereby, scheduled for public hearing to commence Tuesday, June 1, 1976, at 9:30 A. M., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C.

6. That D. C. Transit System, Inc., and Washington, Virginia, and Maryland Coach Company, Inc., post in each of their vehicles and publish in a newspaper of general circulation within the Metropolitan District notice of the applications and hearing in the form prescribed by the staff of the Commission no later than Wednesday, May 12, 1976, and present at the hearing a certificate of publication from the selected newspaper.

7. That any person desiring to protest shall file a protest in accordance with Commission Rule 14, or any person desiring to be heard on this matter shall notify the Commission, in writing, on or before Monday, May 24, 1976, and mail a copy to Mr. Samuel O. Hatfield, 3600 M Street, N. W., Washington, D. C. 20007.

8. That D. C. Transit System, Inc., and Washington, Virginia, and Maryland Coach Company, Inc., be, and they are hereby, jointly assessed \$300 pursuant to the provisions of the Compact, Title II, Article XII, Section 19, and directed to deliver said amount to the office of the Commission, Room 316, 1625 I Street, N. W., Washington, D. C. 20006, on or before Monday, May 24, 1976.

FOR THE COMMISSION:

  
WILLIAM H. MCGILVERY  
Executive Director